

REMARKS

This Amendment is responsive to the June 9, 2009 Office Action. Claims 25, 31-33 and 46 have been amended. Support for the claim amendments may be found, for example, in Figs. 1 and 2 and in the specification at page 6, line 20 to page 7, line 8 and at page 11, lines 4-8. Claims 25-50 are pending in this application and claims 36-45 have been withdrawn from further consideration.

Rejections Under 35 U.S.C. §§ 102 and 103

Claims 25, 26, 28, 34, 35 and 46 stand rejected under 35 U.S.C. § 102(b) for anticipation by U.S. Patent No. 5,156,295 to Gordon et al. Claim 27 stands rejected under 35 U.S.C. § 103(a) for obviousness over Gordon in view of U.S. Patent No. 4,643,330 to Kennedy. Claims 29 and 30 stand rejected under 35 U.S.C. § 103(a) for obviousness over Gordon in view of DE 3832412. Claims 31-33 stand rejected under 35 U.S.C. § 103(a) for obviousness over Gordon in view of U.S. Patent No. 4,966,780 to Hargraves et al. Claims 47, 49 and 50 stand rejected under 35 U.S.C. § 103(a) for obviousness over Gordon in view of U.S. Patent No. 5,848,748 to Bouraoui et al. Claim 48 stands rejected under 35 U.S.C. § 103(a) for obviousness over Gordon in view of Bouraoui and DE 3308112. In view of the foregoing amendments and the following comments, reconsideration of these rejections is respectfully requested.

Amended independent claim 25 recites, *inter alia*:

...a substantially planar surface including a spout element having a screw thread and a spout opening designed to be closed by a screw cap; wherein the cap is constructed of plastic and is deep drawn, wherein the laminated carton packaging includes a packaging body, and wherein the planar surface includes a circumferential angled edge.

Amended independent claim 46 recites, *inter alia*:

...a cap; and a packaging body, the cap comprising: a substantially planar surface including a spout element having a screw thread and a spout opening designed to be closed by a screw cap; wherein the cap is constructed of plastic and is deep drawn, and wherein the planar surface includes a circumferential angled edge.

The cited references fail to disclose or suggest a substantially planar surface of the cap having a circumferential angled edge as recited in independent claims 25 and 46.

The Gordon patent discloses a bag lined carton with a pour spout including a flanged nozzle (64) with a cylindrical portion (66) having threads (74) and a radial portion extending from the cylindrical portion (66). An internally-threaded cap (78) is positioned over the cylindrical portion (66) of the nozzle (64). Thus, Gordon discloses a composite package as an outer container and an inner plastic bag having a pour spout with a flange to be connected to the plastic bag. The Gordon patent, however, fails to disclose a circumferential angled edge as in the claimed invention. As discussed in the present specification at page 7, lines 20-22, the circumferential angled edge, for example, enables a seal connection with the jacket material or packaging. The flange portion of the pour spout of Gordon is connected to the plastic bag and there is no need for a tight sealing between the pour spout and the composite package.

The Hargraves patent discloses a closure or cap (200) for a container (300). In particular, the closure (200) is a screw cap having internal threads for cooperating with external threads provided on the container (300). The sidewall of the cap (200) generally tapers outwardly (see Figs. 1 and 1a). The Examiner at page 4 of the Office Action asserts that "Hargraves et al. teach that it is known to provide a cap with and [sic] angled edge, outward pitch and downward tapering periphery". The closure (200) of Hargraves, however, is a screw cap rather than a cap having a substantially planar surface including a spout element having spout opening designed to be closed by a screw cap as in the claimed invention. Thus, the screw cap of Hargraves fails to disclose a cap having a planar surface including a circumferential angled edge as recited in independent claims 25 and 46.

The Kennedy patent, DE 3832412 and the Bouraoui patent are relied upon by the Examiner to disclose interrupted threads, a spout made of multilayer foil and a packaging body with carton/plastic/aluminum laminate, respectively. DE 3832412 is also relied upon by the Examiner at page 5 to disclose a packaging body with a plastic bottom. The devices of the Kennedy patent, DE 3832412 and the Bouraoui patent, however, fail to disclose or suggest a substantially planar surface of the cap having a circumferential angled edge.

Therefore, for at least the foregoing reasons, independent claims 25 and 46 are believed to be patentable over the cited references. Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 26-35 and 47-50 depend from, and add further limitations to either independent claim 25 or independent claim 46, and are believed to be patentable for the reasons discussed hereinabove in connection with independent claims 25 and 46.

CONCLUSION

In view of the foregoing amendments and comments, Applicant respectfully requests reconsideration of the rejections and allowance of claims 25-35 and 46-50.

Respectfully submitted,
THE WEBB LAW FIRM

By



Adam J. Komorowski
Registration No. 62,575
Attorney for Applicant
436 Seventh Avenue
700 Koppers Building
Pittsburgh, PA 15219
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com